

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

AUG 10 2016

Clerk of Court

United States of America)

v.)

TEODULO GARCIA)

YOB: 1982)

USC)

Case No. M-16-1491-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of AUGUST 9, 2016 in the county of STARR in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

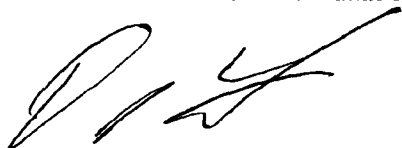
18 U.S.C. 111

Offense Description

Assaulting, resisting, or impeding certain officers or employees. In general, whoever, forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties.

This criminal complaint is based on these facts:

See attached

☒ Continued on the attached sheet.


Approved by, David A. Lindemuth

Sworn to before me and signed in my presence.

Date:

8/10/16

City and state:

 8/10/16
Complainant's signature

Special Agent Jason Malkiewicz

Printed name and title



Judge's signature

Printed name and title

Attachment "A"

Affidavit

1. On August 9, 2016, at approximately 12:35 A.M., United States Border Patrol (BP) Agents followed foot signs of potentially undocumented aliens that led from the Rio Grande River to 2762 Turtle Dove Street in Escobares, Texas. Through a window of the residence, BP Agents identified several subjects attempting to hide. BP Agents convinced four of the subjects to exit the house. The subjects were interviewed and admitted to being in the United States illegally. In addition, the subjects stated it was extremely hot inside the house and there were at least two additional women inside the house. BP Agents attempted to call out the remaining two women, but there was no response. Due to the concern that these women may be in need of assistance because of the high temperatures in the residence and the fact the only door in to the residence was pad locked, two BP Agents entered the residence through a window. The BP Agents located seven more subjects hiding in the house; at total of eleven subjects were discovered.
2. While searching the house for more subjects, BP Agent JR and BP Agent EC encountered an individual hiding in the bathroom; later to be identified as TEODULO GARCIA. GARCIA was non-compliant to the commands given by JR and EC and was verbally aggressive to the Agents. GARCIA stated he was going to "mess up" JR and EC. JR and EC requested back up while retreating to an adjoining room. The Agents attempted to restrain GARCIA by giving verbal commands in both English and Spanish. As the Agents neared GARCIA to restrain him, GARCIA began to kick and punch toward the BP Agents to avoid being arrested. BP Agent JA, who had entered the residence to assist JR and EC, deployed his electronic control device (ECD) in an attempt to control GARCIA. However, GARCIA slammed a door shut and the prongs hit the door. JA kicked open the door and proceeded to move forward to gain control of GARCIA. GARCIA attempted to close the door again, but JA utilized hard hand techniques to knock him off balance and gain control of him.
3. JA and other BP Agents attempted to secure and control GARCIA's hands while struggling with him on the floor. During this period, GARCIA continued to resist violently by scratching, punching, and pulling and shoving his arms to prevent the BP Agents from controlling them. During this struggle, GARCIA attempted to choke JA with the strap from his night vision goggles, which were around JA's neck. As several BP Agents struggled with GARCIA on the ground, BP Agent CH was able to maneuver into position and deploy her ECD. GARCIA managed to pull the prongs from his back on the initial deployment and continued to resist. As a result, CH successfully conducted a second deployment seconds later. At this point, the BP Agents were able to finally gain control of GARCIA and handcuff him.